



Board of Adjustment
PO Box 120
Town of Fremont, New Hampshire 03044
Minutes of July 22, 2008
Approved August 26, 2008

Members present: Co-Chairman Scott Boisvert, Members Jack Baker, John (Jack) Downing, Aaron Epstein and Alt/recording Secretary Meredith Bolduc.

Mr. Boisvert called the meeting to order at 7:42 p.m. then called the roll and Mr. Epstein was introduced as a new ZBA member.

MINUTES

Mr. Baker made the motion to accept the minutes of the June 24, 2008 meeting as written.

Motion seconded by Mr. Downing with unanimous favorable except for Mr. Epstein who abstained as he was not a member, or present, for that meeting.

Case # 08-003
ANDREW, Robert
Douglas & Kimberly
MAP 6 LOT 003-004

Present: Applicants Douglas and Kimberly Andrew

Mr. Boisvert opened this Public Hearing at 7:45 p.m. and stated that this is a continuation of the June 27, 2008 portion of this Public Hearing which was continued to allow time for the Members to conduct a site visit and for the receipt of additional information.

Mr. Boisvert explained the purpose of the Board and the procedure for a Special Exception and referred to Article IX Section H of the Fremont Zoning Ordinance. He explained the criteria for a Special Exception and noted that for the Board to grant an exception the majority of the members must agree that the exception is allowed by the ordinance and there are specific conditions present under which the exception may be granted.

Mr. Boisvert reported that he and Conservation Chairman John (Jack) Karcz conducted a site visit on the property on July 1, 2008. They viewed the property and wetland and noted that there is a slight slope from area of the proposed driveway toward the road.

The Board reviewed a June 24, 2008 report from Richard Bond, CSS, CWS, Rockingham County Conservation District in which he concluded that the wetlands have minimized as much as possible relative to the proposed driveway entrance and associated parking area and he recommended approval of the Special Exception request.
(see all correspondences in file)

The Board reviewed the minutes of the July 7, 2008 Conservation Commission meeting at which Mr. & Mrs. Andrew agreed to look into the possibility of moving the footprint of the proposed driveway and parking area some footage to the east to minimize impact on both areas of wetland. This was as a result of the Conservation Commission Members observation that the driveway could be moved some feet further away from the wetland so there would be very little wetland buffer impact and that the plan could be changed to maximize the distance from the proposed driveway and parking area to the wetland.

The Board reviewed plan #1692 drawn by Blaisdell Survey, LLS and dated May 6, 2008 and revised on July 15, 2008 to show building and parking relocation. This plan was the same as the original plan submitted except that it showed the proposed building and parking area moved about 12' to the south. This relocation resulted in the following:

1. The proposed driveway construction 79.22' from the wetland across the street (Rogers Road) instead of the original proposal of 77'.
2. The proposed parking area 95.17 from the same wetland across the street (Rogers Road) instead of 90.51'.
3. The proposed parking area 92.43' from the wetland on the subject property instead of and 80.34'.

After some discussion it was the consensus of the Board that the requested exception is allowed by the ordinance and there are specific conditions present under which the exception may be granted in that the existing driveway and road are each located between the proposed parking area and driveway and the proposed new use would do no further harm to the wetlands.

There was a conversation relative to impervious surface for the proposed of the proposed parking and driveway. Mr. Boisvert stated that he felt that based on the unique situation where as there is a town road that abuts one wetland and an existing driveway between the wetland on the subject property, the applicants be allowed to pave the driveway and parking area.

Mr. Downing made the motion that the applicants be allowed to pave the proposed driveway and parking area. Motion seconded by Mr. Baker with unanimous favorable vote.

Mr. Boisvert asked for a consensus of the Board relative to whether the exception is, or is not, allowed by the ordinance and there are, or are not, specific conditions present under which the exception may be granted. It was the unanimous consensus of the Board that the exception is allowed by the ordinance and the specific conditions under which the exception may be granted have been met.

After careful consideration by the Board, Mr. Downing made the motion that, based on the information presented and on the Boards determination that the exception is allowed by the ordinance and the specific conditions under which the exception may be granted have been met, the Board grant the Special Exception as requested by Robert, Douglas and Kimberly Andrew, pursuant to plan #1692 drawn by Blaisdell Survey, LLS and dated May 6, 2008 and revised on July 15, 2008, to allow the construction of a driveway with associated site grading and a parking area on Map 6 Lot 003-004 closer than one hundred (100) feet of a wetland with the following conditions:

1. That no dredging, filling, drainage or otherwise altering the surface configuration of the land be allowed closer than ninety (90') feet to the wetland on the subject property for the proposed parking area, ninety two (92') to the wetland across Rogers Road for the proposed parking area and seventy six (76') feet to the wetland across Rogers Road for the proposed driveway.
2. These restrictions shall be recorded with the current deed and with any subsequent deeds to this parcel or subdivision of this parcel.
3. RSA 676:17 shall apply.

Motion seconded by Mr. Baker with unanimous favorable vote.

The applicant was instructed that there is a 30 day appeal period and that the notice of decision of this action will be recorded at the Rockingham Registry of Deeds and will referenced to the property deed.

Recording fees were submitted.

At 8:19 p.m. Mr. Baker made the motion to close this Public Hearing.

Motion seconded by Mr. Downing with unanimous favorable vote.

BUDGET

The Board received a correspondence from Heidi Carlson stating that the 2009 core budget needs to be submitted to her by August 7, 2008. Mrs. Bolduc reported that the Planning/Zoning budget appointment with the Selectmen has been scheduled for August 14, 2008 to present their budget.

Mr. Andrew stated that he will meet with Mrs. Bolduc and Planning Board Chairman Roger Barham to work on the core budget and present it to the Board for their consideration.

CORRESPONDENCE

1. Notice of the November 12 – 14 annual Local Government Center conference. Program details and registration will be available soon.

Next meeting: scheduled for August 26, 2008.

At 8:54 pm Mr. Downing made the motion to adjourn.

Motion seconded by Mr. Baker with unanimous favorable vote.

Respectfully submitted,

Meredith Bolduc, recording secretary